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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/254,101	03/01/1999	REINHARD KNITL	P98.3211	6476

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EXAMINER

HOOSAIN, ALLAN

ART UNIT PAPER NUMBER

2645

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/254,101	KNITL ET AL.	
	Examiner Allan Hoosain	Art Unit 2645	
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>26 December 2002</u> .			
2a) <input checked="" type="checkbox"/> This action is FINAL . 2b) <input type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4) <input checked="" type="checkbox"/> Claim(s) <u>19-35</u> is/are pending in the application.			
4a) Of the above claim(s) _____ is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>19,21,22,25 and 30</u> is/are rejected.			
7) <input checked="" type="checkbox"/> Claim(s) <u>20,23,24,26-29 and 31-35</u> is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
Application Papers			
9) <input type="checkbox"/> The specification is objected to by the Examiner.			
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.			
If approved, corrected drawings are required in reply to this Office action.			
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
Priority under 35 U.S.C. §§ 119 and 120			
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:			
1. <input type="checkbox"/> Certified copies of the priority documents have been received.			
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.			
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).			
* See the attached detailed Office action for a list of the certified copies not received.			
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).			
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
Attachment(s)			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.		6) <input type="checkbox"/> Other: _____.	

FINAL DETAILED ACTION

Allowable Subject Matter

1. Claims 20, 23-24, 26-29 and 31-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 19, 21, 25 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by **Otto** (US 5,703,943).

As to Claim 19, with respect to Figure 1, **Otto** teaches a method for incorporating functions of an automatic call distribution system in an interactive voice response system that is called and controlled by communication terminal equipment of a communication network, the method comprising the steps of:

directly coupling the automatic call distribution system (13) and the interactive voice response system (28) (Figure 1, label 1);

connecting both the interactive voice response system and the automatic call distribution system to a communication system of the communication network (Figure 1, label 20);

connecting at least one agent communication terminal equipment to the communication system (Figure 1, labels 39,41);

allocating the at least one agent communication terminal equipment to the automatic call distribution system (Figure 4A, label 115);

influencing the interactive voice response system by the communication terminal equipment wherein the interactive voice response system communicates a request for reserving an available one of the at least one agent communication terminal equipment to the automatic call distribution system (Figure 4A, labels 107 and 109);

reserving, via the automatic call distribution system, the available one of the at least one agent communication terminal equipment (Figure 4A, label 121); and

transferring, given the request for reserving, and reservation of, the agent communication terminal equipment, by the communication system and outside of the automatic call distribution system the communication terminal equipment, from the interactive voice response system to the reserved agent communication terminal equipment (Figures 1 and 4A, labels 125,127).

As to Claim 21, **Otto** teaches a method for incorporating functions of an automatic call distribution system in an interactive voice response system as claimed in claim 19, further comprising the steps of:

interrogating a status of the agent communication terminal equipment by the interactive voice response system before the request for reserving is communicated (Figure 4A, label 123); and

implementing the request for reserving dependent on the interrogated status (Figure 4A, label 127).

As to Claim 25, **Otto** teaches a method for incorporating functions of an automatic call distribution system in an interactive voice response system as claimed in claim 19, further comprising the step of:

providing a request and an acknowledgment for each request for reserving between the interactive voice response system and the automatic call distribution system (Figure 4B).

As to Claim 30, **Otto** teaches a method for incorporating functions of an automatic call distribution system in an interactive voice response system as claimed in claim 19, further comprising the steps of:

inserting service information, in a status request (Figure 2),

indicating a requested agent communication terminal equipment as a parameter (Figure 2);

and

communicating the status request, which includes the parameter, of the associated automatic call distribution system from the interactive voice response system to the automatic call distribution system (Figure 2 and Col. 4, lines 4-18).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Otto** in view of **Morganstein et al. (US 5,020,095)**.

As to Claim 22, **Otto** teaches a method for incorporating functions of an automatic call distribution system in an interactive voice response system as claimed in claim 19, further comprising the steps of:

Otto does not teach the following limitations:

- (i) cyclically interrogating a status of the agent communication terminal equipment by the interactive voice response system before the request for reserving is communicated; and
- (ii) implementing the request for reserving dependent on the cyclically interrogated status

However, it is obvious that **Otto** suggests the limitations. This is because **Otto** teaches agent availability and queuing of calls and which suggests cyclical determining agent statuses (Figure 4A). **Morganstein** teaches determining average waiting time (cyclically interrogating for calls in a queue (Figure 2d and Col. 2, lines 8-15). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art, to add waiting time capability to **Otto**'s invention for cyclical determination of agent status as taught by **Morganstein**'s invention in order to provide routing of callers to preferred agents.

Response to Arguments

6. Applicant's arguments filed 12/26/02 have been fully considered but they are not persuasive because of the following:

- (a) With respect to Claim 19, **Otto** does not teach the request step.

Examiner respectfully disagrees. This is because Figure 4A, labels 105 and 107, teaches an IVR which receives a call (request for an agent) and communicates the request for an agent. The IVR system is inherent in **Otto** and is represented by speech synthesizer 28 because

speech synthesizers are used to play prompts. The speech recognition units recognize spoken responses and not the speech synthesizer. As taught by **Otto**, Prompts are played to callers and responses are received using DTMF or speech recognition resources (Col. 4, lines 4-18). These responses are communicated to the call control program database (ACD) for agent assignment (Col. 4, lines 19-33).

(b) The claimed reservation is different from **Otto**'s because **Otto** does not reserve currently available agent terminals.

Examiner respectfully disagrees. As taught in Figure 4A, the caller is connected directly to a preferred agent that is available (Figure 4A, labels 123,125 and 126).

(c) With respect to Claim 22, the combination of **Otto** with **Morganstein** is not proper because the claimed cycling is related to current availability and not queuing.

Examiner respectfully believes that **Otto**'s queuing is related to the current agent availability because callers in a queue are waiting for an agent to become available (Figure 4A, label 135). This teaching is similar to the disclosed teachings for determining agent availability (Page 1-11). **Morganstein** teaches the periodic checking of the status of agents for callers in a queue. The combination of **Otto** and **Morganstein** is proper.

(d) With respect to Claims 28-29 the combination of **Otto** and **Costello** does not teach logging on and logging off of VRUs.

Examiner respectfully agrees.

(e) Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Voit (US 5,696,809) teaches an ACD system which processes customers orders using IVRs.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Allan Hoosain
Primary Examiner
2/27/03